



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Consider the Adoption of an Urgency Ordinance to Require Water Meters on All New Water Services

**MEETING DATE:** January 2, 1992

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt an urgency ordinance No. 1451 amending Lodi Municipal Code 13.08, water Service, to require water meters on new water services.

**BACKGROUND INFORMATION:** The Lodi City Council at the December 4, 1991 council meeting set the public hearing to discuss the adoption of an urgency ordinance requiring water meters on all new water services as required by Senate Bill 229. The attached ordinance defines a new water service as Senate Bill 229 was open to interpretation. Other changes in language were made to update Lodi Municipal Code 13.08, Water Service, Article I.

**FUNDING:** None

  
for Jack L. Ronsko  
Public Works Director

JLR/FB/sh

Prepared by Frank Beeler, Assistant Water/Wastewater Superintendent

cc: City Attorney  
Impact Fee Mailing List  
Water/Wastewater Superintendent

APPROVED



THOMAS A. PETERSON  
City Manager



CC-1

ORDINANCE NO 1541

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 13.08 -  
"WATER SERVICE"

-----  
BE IT ORDAINED BY ~~THE~~ LODI CITY COUNCIL AS FOLLOWS

**SECTION 1.** Lodi Municipal Code Chapter 13.08, Article I is hereby amended as follows  
(Pans removed from the existing code are in ~~strikeout~~ and additions underlined)

**Chapter 13.08, WATER SERVICE**

**Sections:**

**Article I. Generally**

- 13.08.010            **Setting** of rates.
- 13.08.020            Rates ~~outside~~ city.
- 13.08.030            Rates by ~~contract~~.
- 13.08.040            **Commencement** and ~~end~~ of charges.
- 13.08.050            Metered service.
- 13.08.060            Turning off during fires/emergencies.

**Article I. Generally**

**13.08.010        Setting of rates.**

~~The schedule of water rates for the city shall be established by uncodified ordinance of the city council, adopted from time to time. (Ord. 1446)~~

The **schedule of water** rates will be those established and adopted by the city council from time to time by resolution.

**13.08.020        Rates outside city.**

The city will not normally serve water outside the city limits. In those cases where it is authorized by the city council, ~~the rates shall be established by resolution of~~

~~the city council: the rate shall be 150% of the rate for service inside the city limits. (Ord. 1333 § 1(9)(I), 1984; prior code § 26-2)~~

**13.08.030 Rates by contract.**

~~In cases not provided for by this chapter, the rate may be fixed by special contract, as agreed upon by the director of finance and public works director on behalf of the city, and the water user involved. If such rates cannot be agreed upon, the city council shall fix and determine proper rates, and such determination shall be final. (Ord. 1333 § 1(9)(J), 1984; prior code § 26-3)~~

**13.08.040 Commencement and end of charges.**

~~Water charges shall in all cases commence to accrue when water is turned on, at rates proportioned for the period from that date until the following last day of the billing period, as may be established by the city (Prior code § 26-4)~~

**13.08.050 Metered service.**

~~The public works director shall require the installation of metered service when the public works director determines it to be in the best interest of the city. Meters on existing service shall be installed by the city at the city's expense. Meters on new services shall be installed by the city, but shall be paid for by the applicant. (Ord. 1333 § 1(9)(F), 1984; prior code § 2-53)~~

A. Meters will be required on all new residential, commercial, and industrial water services covered by the following conditions:

1. All new property annexations to the City requesting City water service.
2. All existing parcels which have had no previous City water service and City water service is requested.
3. When a parcel is split, water services to all parcels will be metered.
4. All parcels at which a single family dwelling(s) is being replaced by multiple family units or a non-residential use.
5. At all parcels where off site improvements are required.
6. When any water customer requests water service upsizing or relocating.

ut t e r e d water service shall be installed on all existing commercial and industrial users or when the public works director determines the installation of metered water service to be in the best interest of the city.

C Meters on existing commercial and industrial water services not covered yndw "A" above shall be installed by the city at the city's expense. Meters on all new water services and those covered in 'A' above shall be installed by the city, but shall be paid for by the user.

**13.08.060** Turning off during fires/emergencies -

In the case of fire or other emergency, when so directed by an employee of the city, all faucets, ~~tam~~ or other means of letting water run and valves supplying water to any premises shall be turned off immediately by every owner or occupant and not opened until the fire is extinguished or the emergency resolved. (Prior code § 2-47)

SECTION 2. , ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance implementing a State-mandated program.

SECTION 4. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 2nd day of January 1992

JAMES W. PINKERTON, JR.  
MAYOR

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1541 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held January 2, 1992 and was thereafter passed, adopted and ordered to print by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1541 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney



**CITY OF LODI**  
CARNEGIE FORUM  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date January 2, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

**Alice M. Reimche**  
**City Clerk**

**Telephone: 333-6702**

**NOTICE OF PUBLIC HEARING**

January 2, 1992

NOTICE IS HEREBY GIVEN that on **Thursday** at the hour of 7:30 p.m., or as soon **thereafter** as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) the adoption of an urgency ordinance requiring water meters on all new water services.

All Interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein. and oral statements may be made at said hearing.

If you challenge the subject matter in court. you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this **notice** or in written correspondence delivered to the City Clerk, 221 West Pine Street, **at** or prior to the Public Hearing.

By Order Of the Lodi City Council:

**Alice M. Reimche**  
**City Clerk**

Dated: December 4, 1991

Approved as to form:

**Bobby W. McNatt**  
**City Attorney**

CITY COUNCIL

JAMES W. PINKERTON, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JACK A. SIEGLOCK  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST FINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

December 30, 1991

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
BOB McNATT  
City Attorney

SUBJECT: Consider the Adoption of an Urgency Ordinance to Require Yater  
Meters on All **New** Water Services

Enclosed is a copy of background information on an item that will be  
discussed at the City Council meeting on Thursday, January 2, 1992, at  
7:30 p.m. The meeting will be held in the City Council Chamber, Carnegie  
Forum, 305 West Pine Street. You are welcome to attend.

If you wish to communicate with the City Council, please contact Alice  
Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call Frank Beeler at  
(209) 333-6740 or me at (209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

MEMORANDUM. City of Lodi, Public Works Department

TO: City Manager  
City Council

FROM: Public Works Director

DATE: January 2, 1992

SUBJECT: Adding a Billing Adjustment Section to Proposed Urgency  
Ordinance #1541

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It is **recommended** that the following section on billing adjustments be added to Section 13.08 of the proposed **urgency** ordinance. This addition only formalizes the City's current practice for billing adjustments.

13.08.070 Billing adjustment.

When **it** is found that any changes for water service, connections, installations, abandonments. **etc.**, have been incorrectly billed or that no billing has occurred, the City has the right to make adjustments as determined by the **Public** Works Director. Billings for undercharges or credits for overcharges shall be subject to the three-year limitation period found in the California Code of Civil Procedure, Section 338.

  
Jack L. Ronsko  
Public Works Director

JLR/1m

cc: Water/Wastewater Superintendent  
Finance Director



ORDINANCE NO 1541

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 13.08 .  
'WATER SERVICE'

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS

SECTION 1. Lodi Municipal Code Chapter 13.08. Article I is hereby amended to read as follows:

**Chapter 13.08. WATER SERVICE**

**Sections:**

**Article I. Generally**

- |                  |                                       |
|------------------|---------------------------------------|
| <b>13.08.010</b> | Setting of rates.                     |
| <b>13.08.020</b> | Rates outside city.                   |
| <b>13.08.030</b> | Rates by contract.                    |
| <b>13.08.040</b> | Commencement and end of charges.      |
| <b>13.08.050</b> | Metered service.                      |
| <b>13.08.060</b> | Turning off during fires/emergencies. |
| <b>13.08.070</b> | Billing adjustment.                   |

**Article I. Generally**

**13.08.010** Setting of rates.

The schedule of water rates will be those established and adopted by the City council from time to time by resolution. (Ord. 1541 § 1. 1991)

**13.08.020** Rates outside city.

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**13.08.030** Rates by contract.

In cases not provided for by this chapter, the rate may be fixed by special contract, as agreed upon by the director of finance and public works director on behalf of the city, and the water user involved. If such rates cannot be agreed upon, the city council shall fix and determine proper rates, and such determinations shall be final. (Ord. 1333 § 1(9)(J), 1984; prior code § 26-3)

**13.08.040 Commencement and end of charges**

Water charges shall in all cases commence to accrue when water is turned on at rates proportioned for the period from that date until the following last day of the billing period as may be established by the city (Prior code § 26-4)

**13.08.050 Metered service.**

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1. All new property annexations to the City requesting City water service
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4. All parcels at which a single family dwelling(s) is being replaced by multiple family units or a non-residential use.
5. At all parcels where off site improvements are required.
6. When any water customer requests water service upsizing or relocating

B. Metered water service shall be installed on all existing commercial and industrial users or when the public works director determines the installation of metered water service to be in the best interest of the city.

C. Meters on existing commercial and industrial water services not covered under 'A' above shall be installed by the city at the city's expense. Meters on all new water services and those covered in 'A' above shall be installed by the city, but shall be paid for by the user. (Ord. 1541 § 1, 1991; prior code § 2-53)

**13.08.060 Turning off during fires/emergencies.**

In the case of fire or other emergency, when directed by the city all faucets, taps or other means of letting water run shall be turned off immediately by every owner or occupant and not opened until the fire is extinguished or the emergency resolved. (Ord. 1541 § 1, 1991; prior code § 2-47)

**13.08.070 Billing Adjustments**

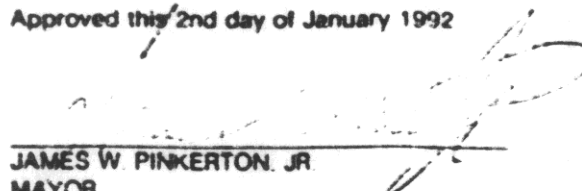
When it is found that any charges for water service, connections, installations, abandonments, etc., have been incorrectly billed or that no billing has occurred, the city has the right to make adjustments as determined by the public works director. Billings for undercharges or credits for overcharges shall be subject to the three year limitation period found in the California Code of Civil Procedure, Section 338. (Ord. 1541 § 1, 1991)

**SECTION 2** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist

**SECTION 3** This is an emergency ordinance implementing a State-mandated local law.

**SECTION 4** This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 2nd day of January 1992

  
JAMES W. PINKERTON, JR.  
MAYOR

Attest:

  
Alice M. Reimche  
City Clerk

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County of San Joaquin, ss.

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Ayes:	Council Members -	Hinchman, Pennino, Sieglock, Snider and Pinkerton (Mayor)
Noes:	Council Members -	None
Absent:	Council Members -	None
Abstain:	Council Members -	None

I further certify that Ordinance No. 1541 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney

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